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Docket Number (Optional)  
**MAT-7999US**

In re Application of: **Kenichi MORIGAKI, et al.**

Application No. **09/601,234**

Filed: **October 30, 2000**

For: **Non-Aqueous Electrolyte Secondary Battery Comprising Composite Particles**

The owner\*, **MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.** of **100%** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. **6,605,386**. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

Signature

6/7/04  
June 7, 2004

**Lawrence E. Ashery**

Typed or printed name

**(610) 407-0700**

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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- \* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, ALEXANDRIA, VA 22313-1450.

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Appln. No.: 09/601,234  
Amendment Dated June 21, 2004  
Reply to Office Action of June 16, 2004

1745/9  
MAT-7999US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.: 09/601,234  
Applicants: K. Morigaki et al.  
Filed: October 30, 2000  
Title: NON-AQUEOUS ELECTROLYTE SECONDARY BATTERY COMPRISING  
COMPOSITE PARTICLES  
TC/A.U.: 1745  
Examiner: Susy N. Tsang-Foster  
Confirmation No.: 8757  
Docket No.: MAT-7999US

**COMMUNICATION**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
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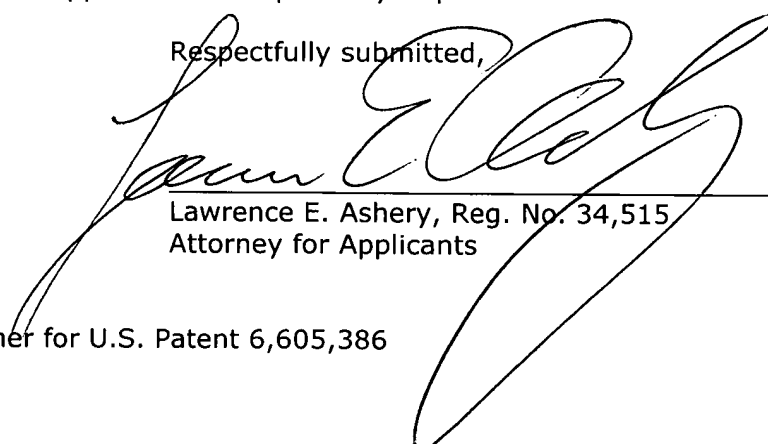
Sir:

This communication is being filed responsive to the Official Action dated June 16, 2004.

The Official Action alleges that a Terminal Disclaimer directed to U.S. Patent 6,605,386 has not been filed. This Terminal Disclaimer has in fact been filed. A copy of the Terminal Disclaimer, as filed, is enclosed.

Allowance of the above-identified application is respectfully requested.

Respectfully submitted,

  
Lawrence E. Ashery, Reg. No. 34,515  
Attorney for Applicants

LEA/mjc

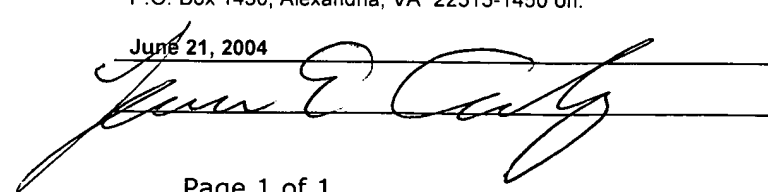
Enclosure: Copy of Terminal Disclaimer for U.S. Patent 6,605,386

Dated: June 21, 2004

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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

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## FAX FILING IN U.S. PATENT &amp; TRADEMARK OFFICE

DATE: June 7, 2004

TIME:

TO:	Examiner Susy N. Tsang Foster	FAX NO.:	(571) 273-1293
FROM:	Lawrence E. Ashery	ADMIN. ASST.:	D. Spratt
APPLN. NO.:	09/601,234	ATTY. DOCKET NO.:	MAT-7999US
TITLE OF APPLN.:	Non-Aqueous Electrolyte Secondary Battery Comprising Composite Particles		
FILING DATE:	October 30, 2000	ART UNIT:	1745
FIRST INVENTOR:	Kenichi Morigaki, et al.	CONF. NO.:	8757
TITLE OF DOCUMENT (and List of Attachments): Terminal Disclaimer, Fee Transmittal, Transmittal Form			

Total Number of Pages: 4 (Including this form)

## COMMENTS

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